

**Notice of Allowability**

Application No.

10/812,088

Examiner

Jennifer I. Harle

Applicant(s)

KOCHHAR ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/19/2005.
2. ☒ The allowed claim(s) is/are 1,5-9 and 15-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____                                                          |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert M. Barrett on September 28, 2005. The application has been amended as follows:

Claim 1 (currently amended) A flavor active compound obtained by reacting Arg-Phe and optionally one or more peptides selected from the group consisting of ~~Arg-Phe~~, Ala-Glu, Glu-Ala, Val-Ala, Phe-Glu, Thr-Leu, Tyr-Val, Val-Tyr, Pro-Val, Asp-Ala, Ala-Asp, Trp-Ala, Ala-Asp, Trp-Ala, Phe-ala, Ala-Phe, Tyr-Ala, Ala-Tyr, Lys, Glu, Lys-Phe, Val-Lys, Val-Phe, Leu-Leu, and Met-Tyr together and least one reducing sugar to a Maillard reaction under condition sufficient to form the flavor active compound.

Claim 5 (currently amended) The compound according to claim 1, wherein the reducing sugars ~~include~~ consist of fructose, glucose, xylose, maltose, lactose, fucose, arabinose, galactose or rhamnose.

Claim 6 (original) A food product, cosmetic product or pharmaceutical product containing a flavor effective amount of a flavor active compound according to claim 1.

Claim 7 (currently amended) The product of claim 6, in the form of a food product ~~which comprises~~ consisting of chocolate, milk, yogurt, pudding, ice cream, a beverage, baby food, a prepared food, or a pet food.

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Claim 8 (currently amended) A process for preparing a flavor active compound which comprises subjecting Arg-Phe and optionally one or more peptides selected from the group consisting of ~~Arg-Phe~~, Ala-Glu, Glu-Ala, Val-Ala, Phe-Glu, Thr-Leu, Tyr-Val, Val-Tyr, Pro-Val, Asp-Ala, Ala-Asp, Trp-Ala, Ala-Asp, Trp-Ala, Phe-ala, Ala-Phe, Tyr-Ala, Ala-Tyr, Lys, Glu, Lys-Phe, Val-Lys, Val-Phe, Leu-Leu, and Met-Tyr together and least one reducing sugar to a Maillard reaction under condition sufficient to form the flavor active compound.

Claim 9 (currently amended) The process according to claim 8, wherein the reducing sugars ~~comprise~~ consist of fructose, glucose, xylose, maltose, lactose, fucose, arabinose, galactose or rhamnose.

Claim 15 (currently amended) The process according to claim 8, wherein the flavor active compound is added to a food product, cosmetic product or pharmaceutical product.

Claim 16 (currently amended) The process according to claim 15, wherein the flavor active compound is added to ~~in the form of~~ a food product ~~which comprises~~ consisting of chocolate, milk, yogurt, pudding, ice cream, a beverage, baby food, a prepared food, or a pet food.

Claim 17 (previously presented) A flavor active compound obtained by reacting Arg-Phe with fructose in a Maillard reaction under conditions sufficient to form the flavor active compound.

Claim 18 (previously presented) A food product containing a flavor effective amount of a flavor active compound according to claim 17.

Claim 19 (currently amended) The product of claim 18, ~~which includes chocolate~~ wherein the food product is a chocolate confectionary product.

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Claim 20 (currently amended) A process for preparing the flavor active compound of claim 17 which comprises ~~subjecting~~ reacting Arg-Phe to a ~~Maillard reaction~~ with fructose in a Maillard reaction under conditions sufficient to form the flavor active compound.

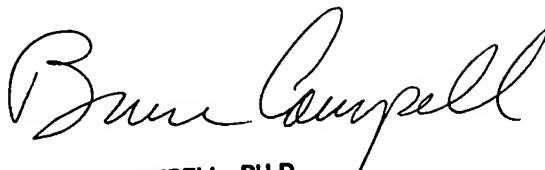
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I. Harle whose telephone number is (571) 272-2763. The examiner can normally be reached on Monday through Thursday, 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571) 272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer I. Harle  
Examiner  
Art Unit 1654

September 28, 2005

  
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